IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 79 OF 2007

PRASHAN MAHADEO CHAVAN .. PETITIONER

Versus

THE STATE OF MAHARKASHTRA & ANR... RESPONDENTS

Mr. M. N. Kandalkar for petitioner

Ms. A.S. Pai, APP

CORAM:-SMT. RANJANA DESAI &
SMT. V. K. TAHILRAMANI, JJ.

DATED:- 22/01/2007

P.C.

. We have heard the learned counsel for the parties.

2. The petitioner’s an Application for furlough is rejected by the prison authority. It is stated in the order that the petitioner’s detention in the prison is for a short period. The learned counsel for the petitioner disputes this fact. He states that the petitioner is in detention for more than two years. The second reason given is that the petitioner has given threats to the surety. The

learned counsel for the petitioner states that this is not correct. This conclusion is reached after hearing only the complainant. The third ground given in the order is that the petitioner is likely to leave India. He may run away from India. The learned counsel for the petitioner states that the petitioner has no intention to leave India and in any case he is prepared to deposit his passport with the police.

3. In the circumstances of the case, we set aside the impugned order because, we feel that the authority which has considered this application has not applied its mind to all the above contentions raised by the petitioner's counsel.

4. We direct D.I.G. Prison (South Region), Mumbai, to dispose of the petitioner's application for furlogh afresh in the light of the submissions made by the petitioner's counsel in this court today independently and in accordance with law. We have not expressed any opinion, on the merits of the case.

5. Petition is disposed of.

JUDGE

JUDGE